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12 MERCEDES MARKER,

13 Plaintiff,

14 v.

15 CITY OF SAN JOSE AND SON VU,

16 Defendants.

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11 SAN JOSE DIVISION  
12 Case No. C-09-05956-RMW  
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**JURY VERDICT FORM**

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2 We, the jury, unanimously agree to the answers to the following questions and return them  
3 under the instructions of this Court as the verdict in this case:

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**I. Federal Civil Rights**

5       **a. First Amendment (Jury Instruction Nos. 8 & 9)**

6 Did defendant Officer Vu violate plaintiff Marker's right to be free from a violation of her  
7 First Amendment rights of free speech and expression?

8 Yes \_\_\_\_\_ No\_\_\_\_\_

9  
10       **b. Fourth Amendment (Jury Instruction Nos. 8, 10, & 14)**

11 Did defendant Officer Vu violate plaintiff Marker's right to be free from an unreasonable  
12 use of force?

13 Yes \_\_\_\_\_ No\_\_\_\_\_

14  
**II. State Claims**

15       **a. Civil Rights Claim (Jury Instruction No. 11)**

16 Did defendant Officer Vu violate plaintiff Marker's rights under California state law by  
17 interfering or attempting to interfere, by threats, intimidation or coercion, with the exercise  
18 or enjoyment by plaintiff Marker of a constitutional right?

19 Yes \_\_\_\_\_ No\_\_\_\_\_

21  
22       **b. False Imprisonment (Jury Instruction Nos. 12, 14, & 15)**

23 Did defendant Officer Vu falsely imprison plaintiff Marker?

24 Yes \_\_\_\_\_ No\_\_\_\_\_

25  
26       **c. Battery (Jury Instruction Nos. 13, 14, & 15)**

27 Did defendant Officer Vu commit a civil battery against plaintiff Marker?

28 Yes \_\_\_\_\_ No\_\_\_\_\_

*If you have answered one or more of the previous questions “yes”, continue with Part III. If you have answered all of the previous questions “no”, go directly to Part IV.*

### **III. Damages (If Applicable)**

**a. Actual Damages (*Jury Instruction Nos. 17 & 18*)**

What do you find to be the total amount of any actual damages suffered by plaintiff Marker caused by the conduct on which you base your finding of liability?

Answer: \$ \_\_\_\_\_

**b. Additional Damages (*Jury Instruction Nos. 11 & 17*)**

If you found that Officer Vu violated Ms. Marker's civil rights under California state law in question II(a), you may, in your discretion, award an additional amount of up to three times the amount of the actual damages you determined above. What amount, if any, do you award in additional damages?

Answer: \$ \_\_\_\_\_

#### **IV. Review and Execution of Verdict Form**

You have now reached the end of the verdict form and should review it to ensure it accurately reflects your unanimous determinations. The jury foreperson should sign and date the Verdict Form and advise the Security Officer you have reached a verdict.

SIGNED this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

## Jury Foreperson